

**Easterling, Deborah**

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**From:** The McMillions <emcmilion3@gmail.com>  
**Sent:** Tuesday, October 15, 2019 5:33 PM  
**To:** PSC\_Contact; The McMillions; Campbell, Chad  
**Subject:** [External] complaint  
**Attachments:** 20191015\_052607.PDF

Please read attached

**RECEIVED**  
**OCT 28 2019**  
PSC SC  
MAIL / DMS



## Individual Complaint Form

Date\*: 10/15/19

### Complainant or Legal Representative Information: \* Required Fields

Name \* Enrique McMillan Jr.  
Firm (if applicable) \_\_\_\_\_  
Mailing Address \* 200 Evergreen Church Rd. Stryer SC.  
City, State Zip \* STAN SC 29684 Phone \* (803) 215-1139  
E-mail Emcmillan3@gmail.com

Name of Utility Involved in Complaint: \* Duke Energy Carolinas DEC/19 SC.PSC

### Type of Complaint (check appropriate box below.) \*

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Billing Error/Adjustments           | <input type="checkbox"/> Deposits and Credit Establishment | <input type="checkbox"/> Wrong Rate    | <input type="checkbox"/> Refusal to Connect Service |
| <input type="checkbox"/> Disconnection of Service            | <input type="checkbox"/> Payment Arrangements              | <input type="checkbox"/> Water Quality | <input type="checkbox"/> Line Extension Issue       |
| <input type="checkbox"/> Service Issue                       | <input type="checkbox"/> Meter Issue                       |  |   |
| <input type="checkbox"/> Other (be specific) <u>Contract</u> |  |  |   |

Have you contacted the Office of Regulatory Staff (ORS)? \* ☒ Yes ☐ No Name of ORS Contact: Chad Campbell

### Concise Statement of Facts/Complaint: \* (This section must be completed. Attach additional information to this page if necessary.)

PLEASE SEE ATTACHED

### Relief Requested: \* (This section must be completed. Attach additional information to this page if necessary.)

PLEASE SEE ATTACHED

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**\*\*I GIVE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA PERMISSION TO PUBLISH THIS COMPLAINT AND ITS CONTENTS ON THE COMMISSION'S WEBSITE (dms.psc.sc.gov) AND I UNDERSTAND SUCH INFORMATION MAY BE SUBJECT TO PUBLIC SCRUTINY OR FURTHER RELEASE.** ☒ Yes ☐ No

Complainant's Signature\* (MUST BE SIGNED, DO NOT PRINT)

STATE OF SOUTH CAROLINA )  
COUNTY OF Anderson )

### VERIFICATION

I, Enrique McMillan Jr.  
Complainant's Name \*

verify that I have read my complaint filed on 10/15/19  
Date \*

### Internal Use Only

Processed By	Date
H.E.	

and know the contents thereof, and that said contents are true.

Complainant's Signature \* (MUST BE SIGNED, DO NOT PRINT)

To whom it may concern,

I sent this email to Chad Campbell:

**The McMilion** <emcmilion3@gmail.com>

Sep 26,  
2019, 3:45  
PM

to Chad

Mr. Campbell,

As you may know the the commission has dismissed 2019-230-e. I believe they have done so in error, by commissioner Belser omitting the reason for my complaint, listed in the file. I assume the position of the ORS, DECLLS, & SCPSC has not changed, and do not feel I am within my rights to be informed to the amending of the terms and conditions regarding digital meters in writing. Please contact DECLLC and inform them of my requirement to have the terms and conditions regarding digital meters in writing, and both parties signed to the agreement. If the 7 days for DECLLC to comply with these requirements is not necessary, because they do not intend to inform me of the amending of the terms to the contract, please let me know as soon as possible, so I can file a complaint with the SCPSC in regard to these facts. I intend to have only the fundamental right to contract as the basis for my complaint, so it will be the only issue brought before the commission. Thanks, Enrique McMilion Jr.

Since this email I have received no response from Mr. Campbell, and today 10/15/2019 a meter technician from DECLLC came to install a digital meter on my home. I received no notification from the utility. I requested from the technician the contract showing the amended term and conditions before a digital meter was installed, which he said he did not have, but he would contact Jean Veatch at DECLLC. A short time later she called back and insisted I do not have the right to have in writing the contract listing the terms and conditions signed by both parties, and the meter will be switched from a electromechanical analog meter to a digital meter or my power will be shut off in the next 24 hours.

The reason for this complaint are as follows:

103-300. Authorization of Rules.

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A. Sections 58-27-150 and 58-27-1910, Code of Laws of South Carolina, 1976, provides: "Rules and Regulations.--The commission may make such rules and regulations not inconsistent with law as may be proper in the exercises of its power or in the performance of its duties under this Chapter, all of which shall have the force of law."

Allowing DECLLC to, by way of rule 103-320. (Meter Requirements. Service shall be measured by meters furnished by the electrical utility unless otherwise ordered by the commission), install a digital meter that amends the original contract and will not provide the terms and conditions in writing, signed by both parties is an infringement on an individuals right to contract. This is a fundamental right long recognized by the United States Supreme Court. The South Carolina Public Utilities Commission, may not interfere with the obligations of contracts. Making 103-320 a 14<sup>th</sup> amendment substantive due process violation .

Remedy:

By way of 103-301, the sc.psc compels DECLLC to provide in wring in contract form the amended terms and conditions with full disclosure signed by both parties.

DECLLC honor the original contract (analog meter) not in dispute.

SC.PSC abolish or amend rule 103-320 as to not be inconsistent with law.

It is my wish to have this complaint heard before the full commission, as it regards fundamental rights for all South Carolina citizens, not just myself.

Enrique McMilion Jr.